

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 20-CR-0282(2) (PJS/ECW)

Plaintiff,

v.

ORDER

VICTOR DEVON EDWARDS,

Defendant.

A jury recently found defendant Victor Edwards guilty of one count of riot and one count of arson. ECF No. 152. Edwards, who is represented by counsel, has filed a pro se notice of appeal from the jury's verdict. ECF No. 154.

Because Edwards has not yet been sentenced, his appeal is premature. *Flanagan v. United States*, 465 U.S. 259, 263 (1984) ("In a criminal case the [final judgment] rule prohibits appellate review until conviction and imposition of sentence."); *Abney v. United States*, 431 U.S. 651, 657 (1977) ("Adherence to this rule of finality has been particularly stringent in criminal prosecutions because the delays and disruptions attendant upon intermediate appeal, which the rule is designed to avoid, are especially inimical to the effective and fair administration of the criminal law." (citation and quotation marks omitted)).

As a result, Edwards's notice of appeal does not divest this Court of jurisdiction. *State ex rel. Nixon v. Coeur D'Alene Tribe*, 164 F.3d 1102, 1106 (8th Cir. 1999) ("To prevent

parties from using frivolous appeals to delay or interrupt proceedings in the district court, that court does not normally lose jurisdiction to proceed with the case when one party appeals a non-appealable order.”). The Court therefore intends to go forward with sentencing as scheduled and all deadlines remain in effect.

SO ORDERED.

Dated: August 23, 2021

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge